

Serial No.: 09/423,916

Attorney Docket No.: 33997.0011

REMARKS

Favorable action on the above-identified patent application, as amended herein, is respectfully requested.

This Amendment is in response to the Office Action dated February 25, 2003. Claims 16-30, and 33-46 are currently pending in this application. Claims 1-13 have been previously cancelled, and claims 14, 15, 31 and 32 are cancelled herein. Claim 46 is presented. Of the claims, only claim 46 is independent.

In the Office Action, claim 30 was rejected as being indefinite under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that the term "thrust-elastically damped" is unclear. Accordingly, claim 30 is amended herein to recite "said first material and said second material are rigidly connected to each other so that they are elastic to thrust loading" to further clarify the invention. Support for this can be found in the specification at page 15, lines 27-28.

In the Office Action, claims 14-39, 44 and 45 were rejected under 35 U.S.C. 103(a) as being obvious over Tigliev (US 5,609,316) in view of Motoda (US 3,850,307) in further view of VanAuken (US 4,047,731); claims 40 and 41 as being obvious over Tigliev in view of Motoda, in further view of VanAuken and in further view of Yamauchi et al. (US 4,690,960); and claim 42 as being obvious over Tigliev in view of Motoda, in further view of VanAuken and in further view of Hoppl et al. (US 3,637,233). The rejection of the claims for obviousness is respectfully traversed.

In rejecting the claims, the Examiner cited Tigliev in combination with Motoda and newly cited Van Auken. The rejection relies on Tigliev to show a microscope stand having a plurality of support members (30, 34, 40) which are connected by metallic interfaces that form a stress-free connection between the adjacent parts of the stand. As the Examiner states, Tigliev

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does not specifically disclose tubular support members. Therefore, the rejection refers to Motoda for its teaching of a support member (36) that is tubular and has an "internal structure". However, the nature of the internal structure is never described by Motoda. As the Examiner states, Motoda, either alone or in combination with Tigliev, does not disclose a "plurality of support member[s] with first and second concentric tubes formed of first and second materials having a substantially different moduli of elasticity." Therefore, the rejection refers to Van Auken for its teaching of "first (the aluminum core) and second concentric tubes (the surrounding reinforced plastic) that are rigidly connected to each other via an adhesive an[d] elastically damped."

It is respectfully submitted that Van Auken, either alone or in combination with Tigliev and/or Motoda, does not teach or suggest:

"first and second concentric tubes formed of first and second materials, respectively, wherein *one of said first and second materials is fiber-reinforced plastic, and another of said first and second materials is metal* with a comparatively low modulus of elasticity relative to that of said one of said first and second materials"

as required by independent claim 46.

The inventive support members are formed of "first and second concentric tubes formed of first and second materials" where one of "said first and second materials is metal", for example aluminum. Another of "said first and second materials is fiber-reinforced plastic."

The invention, according to claim 46, clearly shows two concentric tubes. See the specification at page 4, lines 7-9, which reads: "One measure is to damp the vibration of high-strength stand tubes made of fiber composites by combining them, along their length, with another supporting material having a substantially different, usually lower, modulus of elasticity."

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See, also, the specification at page 4, line 27, through page 5, line 4, which reads:

“...[T]he combination according to the invention provides a *combination of tubular parts*, such as a segment of *aluminum tube*, which is *cemented to an inner or outer fiber composite tube*. It could even be...an *aluminum tube to which the fiber composite tube is cemented so that it becomes a composite structure* (metal/plastic or plastic/metal, or comparable sandwich structures repeating the two materials).”

As stated on page 5, lines 15-17 of the specification, one of the two concentric tubes is a plastic material. This is then wrapped by a fiber material, as stated in the specification at page 5, lines 17-18. As shown in Fig. 3, fibers 98 are wound around (plastic) tube 97, forming a composite tube (97a). The “fiber-reinforced tube” taught by Van Auken may be similar to the composite tube 97a of the invention. However, the specification goes on to state that “the *tube 97a is combined with an aluminum tube 97b* or with another tube having a distinctly different modulus of elasticity.” See the specification at page 15, lines 24-25.

As is clearly shown in Fig. 4, the composite tube 97a, showing a fiber layer 98e, is in concentric alignment with tube 97b, which may be, for example, an aluminum tube.

In contrast, Van Auken merely teaches a single tube of aluminum wrapped with a fiber-reinforced plastic gore. Van Auken discloses “the tubular elements have bonded to the surface thereof a fiber-reinforced plastic skin.” See column 2, lines 28-29. The aluminum tube (30) is wrapped with a gore (31). See column 3, lines 29-30 and column 3, last line, to column 4, line 2. There is no teaching or suggestion in Van Auken that this single fiber-reinforced aluminum tube is concentric with a second tube, and the second tube having a comparatively low modulus of elasticity with respect to the first tube.

There is no teaching or suggestion in Van Auken of “first and second concentric tubes formed of first and second materials, respectively, wherein one of said first and second materials is fiber-reinforced plastic, and another of said first and second materials is metal with a

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comparatively low modulus of elasticity relative to that of said one of said first and second materials,” as required by claim 46.

Furthermore, nowhere does the combination of Tigliev, Motoda and Van Auken teach or suggest “at least one interface divides at least one of said plurality of support members into a pair of support member segments” as required by claim 46.

Fig. 2 shows examples of interfaces 96a, 96b, and 96c, which divide the support members into a pair of support member segments. For example, interface 96a divides pillar 1 into two segments 1a and 1b. See, also, the specification at page 13, lines 6-8. As shown in Fig. 2, the interfaces 96 may divide axially aligned support members into a pair of support member segments.

Nowhere does the prior art teach or suggest “at least one interface divides at least one of said plurality of support members into a pair of support member segments” as required by claim 46.

Applicants respectfully submit that the prior art of record does not teach or suggest the specific combination of features set forth in claim 46 as presented herein.

Accordingly, it is respectfully submitted that claim 46 is not rendered obvious by the combination of Tigliev, Motoda and Van Auken. A person of ordinary skill in the art at the time of the invention would not arrive at the invention as recited in claim 46. Specifically, a person skilled in the art would not arrive at

- “at least one of said plurality of support members including first and second concentric tubes formed of first and second materials, respectively, wherein one of said first and second materials is fiber-reinforced plastic, and another of said first and second materials is metal with a comparatively low modulus of elasticity relative to that of said one of said first and second materials” and

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- *"at least one interface divides at least one of said plurality of support members into a pair of support member segments,"*

as required by claim 46.

As claims 16-30 and 33-45 ultimately depend from claim 46, it is believed that they too are not rendered obvious by the prior art of record. It is respectfully submitted that the rejection of the claims under 35 U.S.C. 103(a) be withdrawn.

The indication of allowable subject matter in claim 43 is acknowledged with thanks. Since reconsideration is being requested herein with respect to base claim 46, from which claim 43 ultimately depends, claim 43 has not been rewritten at this time.

In view of the foregoing, it is respectfully submitted that a full and complete response to the Office Action has been made. The claims, as amended herein, are believed to be in condition for allowance. Early and favorable action is respectfully requested.

It is also submitted that no fees are required. However, the Commissioner is hereby authorized to charge any fees due as a result of this Amendment to Deposit Account 08-2442 of the undersigned.

Respectfully submitted,
HODGSON RUSS LLP
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Date: May 23, 2003

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From: Rachel S. Watt Direct Telephone: 716.848.1558
Total Pages: 11 (including cover page)
Today's Date: May 23, 2003
Comments: Re: Applicant : Andreas METELSKI, et al.
Serial No. : 09/423,916
Filing Date : February 28, 2000
Title : Microscope Stand, Especially
for a Surgical Microscope
Atty. Docket : 33997.0011

Examiner Marsh:

Attached please find an Amendment (10 pages) in response to the Office Action dated Feb. 25, 2003. Please contact Rachel Watt at (716) 848-1558 if there are any questions.

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